Rehabilitation Department
B Branch.

Submitted with reference to H.M' note, at page 89 ante.

The information was called for from the Collrs. and officers-in-charge of various colonies. The information received from them has been embodied in a statement form, which is kept herewith. From the statement it will appear that there are 6273 unauthorised occupants out of whom 6270 are d-ps. and only three are non-d-ps. The arrears to be recovered from them amount to Rs.5,31,134-13-4. After the Rent Regulation Bill comes in force the collectors will be asked to take action against unau thorised occupants.

STATEMENT SHOWING THE NUMBER OF UNAUTHORISED OCCUPANTS AND THE ARREARS OF RENT.

1. Nature of the unauthorised occupation i.e. whether occupants whave entered premises with or without connivance of previous occupants.	2. Extent of period of unauthorised occupation.	3. Total No. of unauthorised occupants in Township or Colony. D.ps.	Non-d.ps.	Amount of arrears of rent of unauthorised occupants Rs.
		GANDHINAGAR COLONY.(VALIVADE)		
The unauthorised occupants have occupied the Governments tenements which were already lying vacant and unlocked.	Two unauthorised occupants since 11-5-51 and 15-10-51.	2	Nil.	195-11-0 51--6-0 247--1-0 upto 19-2-52.
		UPNAGAR COLONY.(NASIK)		
The unauthorised occupants have occupied premises without any allotment prd r or without the consent of previous occupants.	Two unauthorised occupants since 9-8-51 and September 1951.	2	Nil.	59-11-0 60--6-0 120--1-0 upto 31-1-52
		SARDARNAGAR AND KUBERNAGAR TOWNSHIP (A'BAD)		
Eight unauthorised occupants in Sardarnagar and eleven in Kubernagar are with connivance or previous occupants and 33 in Kubernagar without such connivance.	In Sardarnagar unauthorised occupants are from 2 to 6 months and in Kubernagar from 2 to 18 months.	52.	nil.	They have not paid rent from the beginning.
		MADH ISLAND COLONY.		
One-room unauthorisedly occupied for storing old motor parts and another room occupied by same person for residential purpose.	One unauthorised occupant Store-room. Since March 1950 and residential room since June 1950.	1	Nil.	124-10-0 upto end of January 1952.
		Pimpri AND PASHAN COLONIES.		
Pimpri and Pashan colony was a military camp and the displaced persons were accommodated into barracks. They have opened their shops in verandahs, roads and such other open places.	Since the inspection of the camp i.e. for the last four years.	300	Nil.	They have not paid rent so far.
		AHMEDNAGAR & SHRIRAMPUR.		
Occupants entered premises with the connivance of the previous occupants.	About 1½ years.	1.	Nil	126--0-0.

1.	2.	2	3	4	5.
			MULUND COLONY.		
32 persons have entered with the connivance of previous occupants and 9 without such connivance.		Since March 1949.	39	2	16,989-7-9-upto 29-2-1952.
			EAST KHANDESH		
203 occupants are putting up with the connivance of the old occupants at the following places.					
Jalgaon --80		4 to 18 months	80	Nil	not available
Bhusaval --25		15 months	25	Nil	3,750-0-0
Amalner --98		6 to 17 months	98	Nil	2,832-15-4
			WAROSHIA COLONY (BARODA)		
56 unauthorised occupations.		1-2 years.	56	Nil	5,533-4-0
			HARNI COLONY (BARODA)		
19 unauthorised occupations.		1-2 years.	14	Nil	539-0-0
			NARI SEVA SADAN (KURLA)		
3 unauthorised occupations.		2-8 months	3	Nil	273-7-0
			ULHASNAGAR		
2800 families unauthorised are in occupations (126 with connivance and 1982 without connivance) of 140 condemmed barracks (rent free).		Upto 3 months -23 families upto 6 months -95 families. more than a year - 1930 families.	2048	Nil	1,01,638-0-0
1393 families are inunauthorised occupations (43 with connivance and 1113 without connivance) of 152 rent chargeable barracks.		upto 3 months -21 families upto 6 months -47 families more than a year - 1088 families.	1156	Nil	88,075--0-0
743 families are in unauthorised occupations (25 with connivance and 514 without connivance) of 56 old barracks partitioned into 743 rooms.		upto 3 months -Nil upto 6 months -31 families. More than a year-536 families.	539	Nil	~~1,61~~, 1,25,568-0-0.

1	2	3	4.	5
1656 families are in unauthorised occupations (78 with connivance and 1560 without connivance) of 69 renovated barracks, partitioned into 1656 rooms.	Since Septr.1951 - 1638 families	1638	Nil	1,61,343-0-0
600 families are in unauthorised occupations of 100 one-room tenements, partitioned into 600 rooms.	upto 3 months -9 families upto 6 months - 20 " more than a year - 17 families.	46	Nil	8,190-0-0
	WEST KHANDESH			
At Dhulia:- There are in all 140 unauthorised occupants (82 with connivance and 58 without connivance).	12-24 months.	139	1	11,361-0-0
At Nandurbar- There are in all 30 unauthorised occupants (majority with connivance.).	12 months.	30	Nil	3,863-0-0
At Dondaicha. There are 5 unauthorised occupants (almost all have entered with Connivance).	12 months.	5	Nil	561-0-0
	Total	6,270	3	5,31,134-13-4.

As there are no rehabilitation colonies in respect of the following districts, the information in regard to these Districts is nil:=

Belgaum, Sholapur, Satara,South, Bijapur, Dangs,Sabarkantha, Satara North, Kolaba, Banaskantha. Panchmahals. Dharwar, Broach, Mehsana and Amreli.

Extract from the Opinion of the Remembranser of Legal Affairs, No.1[illegible]98, dated the 31st January 1951.

If rent is accepted from a person in occupation of premises, such acceptance would presume the relationship of landlord and tenant even though the original occupation of the premises were unauthorised. The fact that Shri Pahlajrai Sitaldas Mankani got into occupation of the premises clandestinely and the rent was accepted from him by the local authority through inadvertance would not make any difference to the legal position when a omittedly rent is accepted from him, which would establish his recognition as a tenant. Consequentl y, the only course open to Government would beto take steps to evict him through a Civil Court.

Legal Department.

The question raised for R.L.A.'s consideration is whether section 7 of the Bombay Refugees Act, 1948 can be resorted to evict displaced from the camp on on any of the following grounds:-

(1) unauthorised occupation;

2) breach of peace as a result of undesirabl activities;

3) non payment of rent.

Section 7 of the Bombay Refugees Act, 1948 provides,

The State Government may, by order in writing, direct any refugee or class of refugees to reside in any camp or place or within any area or to leave any camp or place or area and go to and reside in any other camp or place or area in the State of Bombay within a period of specified in such order."

Section 8 provides -

" If any refugee fails to leave any camp, place or area, in accordance with an order made under section 7, he may be removed by any police officer or any perso authorised by the State Government in this behalf from such camp, place or area in such manner as may be specified by the State Government by general or special order. Nothing in this section shall affect the liability of such refugee to the penalty provided in section 10".

In Criminal Application No.741 of 1950 the aforesaid provisions were considered by the Bombay High Court. It was held "Section 7 does not contemplate that the Collector should order a refugee to leave a particular camp and then give him liberty to reside anywhere also in the State of Bombay. That liberty the refugee does not require, he has that under the

general law of the land. But what the scheme of section 7 seems to be is that so long as a refugee wishes to avail himself of the facilities provided by the State for the refugees, he must stay at a particular camp and if he is asked to leave that camp then he must stay at some other camp or place indicated in the order. But the fact that the order made by the Collector may not be within the scope of the section 7 does not entitle the petitioner to challenge that order unless he satisfied us that he has some right which has been contravened by this order, and therefore going back to the question which we raised at the very beginning of this judgment, has the petitioner any right under the Bombay Refugees Act to reside in any particular refugee camp?

We see no right in any of the provisions of that Act, nor do we find any legal obligations undertaken by Government to provide every refugee in this State with a camp or a place where he may reside and have the necessary comforts and convenience. If there is no right in the petitioner and if there is noobligation undertaken bythe State, then it is difficult to understand how the petitioner can insist upon living in the refugee camp at Harini and challenging of the order which asks him to leave that camp." Since a refugee has no right to reside in a camp and if such refugee indulges in undesirable activities threatening breach of peace he would certainly be considered as one not deserving the facilities afforded by Government. It would therefore be competent to withdraw the facilities and to order such refugee to leave the camp and in case of his refusal, to take action as provided in section 8. So far as refugees who unauthorizedly occupy the

occupy the camp are concerned, it appears that there would also be no objection to take action under section 7 and direct them to leave the camp for these persons being trespassers and not lawfully given proper shelter in the camp cannot be entitled to the facilities provided therein. If such refugees on being ordered to leave camp refuse to obey, action can be taken against them under section 8. So far as refugees who are in arrears of rent are concerned it appears that action under section 7 would not be proper for by accepting rent from them a kind of relationship of landlord and tenant is created between the Government and the refugees, who occupy camp on payment of rent, As advised by the R.L.A. in his opinion No.1898, dated the 31st January 1951 it would be desirable to evict through a Civil Court such refugees who are in arrears of rent.

Sd/-
Additional Secretary to Government.

U.R. to R.H.D. No.13972, dated the 30th August 1951.

CONFIDENTIAL

Eviction of displaced persons in occupation of Government premises in the displaced persons' townships and colonies on grounds of unauthorised occupation and certain other grounds.

GOVERNMENT OF BOMBAY.
Rehabilitation Department.
Circular No.R.7(E)-A
Civil Secretariat Annexe.
Mayo Road, Fort, Bombay(I). 15th October 1951.

CIRCULAR OF GOVERNMENT

A reference has been made to government as to whether action can legally be taken under section 7 of the Bombay Refugees Act, 1948, for the eviction of displaced persons in the occupation of Government premises in the displaced persons' townships and colonies, against whom grounds for eviction exist. From the cases submitted to Government, it is found that the grounds urged in justification of eviction are unauthorised occupation, apprehended or likely breach of the peace as a result of undesirable activities and arrears of rent, Government is pleased to pass the following orders in this connection.

2. So far as the displaced persons in unauthorised occupation of Government premises and those indulging in undesirable activities likely to result in a breach of the peace are concerned, Government is of the view that it would be legally competent to withdraw the facilities of residence etc. afforded to such displaced persons in the townships and colonies where they may be residing and to order them under section 7 of the Act to leave such townships and colonies, and in the event of their refusal to obey such order, to take action as provided in section 8 of the Act.

3. So far as the displaced persons who are in arrears of rent are concerned, however, Government is advised that action under section 7 of the Act would not be proper, in view of the relationship of landlord and tenent created between Government and the displaced persons occupying Government premises on payment of rent by the fact of the acceptance of the rent, and that the proper course in such cases would be to evict such persons through a Civil Court. Steps to that effect should accordingly be taken against all those who are found to be heavily in arrears as a result of avoidance of payment of rent despite efforts at persuasion and repeated warnings, after service of one calendar month's notice of termination of tenancy.

4. The Director of Rehabilitation and the Collectors concerned should take necessary action in accordance with the above orders for the eviction of all displaced persons, whose continued residence in the townships and colonies is considered undesirable for the reasons stated above. As action under section 7 or 8 of the Act is, however, of a very drastic character, the Director of Rehabilitation and the Collectors should have recourse to these provisions only as a last resort, when the Director of Rehabilitation or the Collector is satisfied, after proper enquiry, tht the displaced person concerned is not amenable to advice and that in the interest

of administration he must be expelled from the townships or colony. In all doubtful cases and in cases where it is considered that eviction is likely to cause very great hardship to the person concerned or his family, the orders of Government should be obtained before any action is taken to enforce eviction.

By order of the Governor of Bombay,

Sd/-(J.C.FERNANDEZ).
For Secretary to the Government of Bombay,
Rehabilitation Department.

To
The Director of Rehabilitation, Bombay.
The Collector of Baroda.
The " of Ahmedabad,
The " of Surat,
The " of Thana,
The " of Ahmednagar,
The " of East Khandesh
The " of West Khandesh,
The " of Nasik,
The " of Poona,
The " of Kolhapur,
All other Collectors.